

1 Jack Russo (Cal. Bar No. 96068)  
 Christopher Sargent (Cal. Bar No. 246285)  
 2 Ansel Halliburton (Cal. Bar No. 282906)  
 COMPUTERLAW GROUP LLP  
 3 401 Florence Street  
 Palo Alto, CA 94301  
 4 (650) 327-9800  
 (650) 618-1863 fax  
 5 jrusso@computerlaw.com  
 csargent@computerlaw.com  
 6 ahalliburton@computerlaw.com

7 Attorneys for Plaintiff  
 XIMPLEWARE CORP.

8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11  
 12 **XimpleWare Corp.**, a California  
 Corporation,

13 Plaintiff;

14 v.

15 **Versata Software, Inc.**, f/k/a **Trilogy**  
 16 **Software, Inc.**, a Delaware corporation;  
**Trilogy Development Group, Inc.**, a  
 17 California corporation; **Ameriprise**  
**Financial, Inc.**, a Delaware corporation; and  
 18 **Ameriprise Financial Services, Inc.**, a  
 Delaware corporation,

19 Defendants.  
 20

Case No. 3:13-cv-5160-NC

**PLAINTIFF XIMPLEWARE CORP.'S  
 NOTICE OF *EX PARTE* APPLICATION FOR  
 TEMPORARY RESTRAINING ORDER, FOR  
 ORDER TO SHOW CAUSE RE: PRELIMINARY  
 INJUNCTION, AND FOR EXPEDITED  
 DISCOVERY**

Date: November 26, 2013 (or earlier)  
 Time: 1:00 p.m.  
 Before: Hon. Nathaniel M. Cousins  
 Courtroom: A, 15<sup>th</sup> Floor

**NOTICE OF *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER**

NOTICE TO DEFENDANTS VERSATA SOFTWARE, INC., TRILOGY DEVELOPMENT GROUP, INC.,  
AMERIPRISE FINANCIAL, INC., AMERIPRISE FINANCIAL SERVICES, INC., AND THEIR COUNSEL OF  
RECORD:

PLEASE TAKE NOTICE THAT on November 26, 2013, or as soon as the application may be  
heard, Plaintiff XimpleWare Corp. ("XimpleWare") will move the United States District Court in  
the Northern District of California, located at Courtroom A, 15<sup>th</sup> Floor, 450 Golden Gate Avenue,  
San Francisco, CA 94102, under Rule 65 of the Federal Rules of Civil Procedure and before the  
Magistrate Judge Nathaniel M. Cousins or another Magistrate Judge or District Judge designated  
in this case, for: (1) a Temporary Restraining Order; (2) an Order to Show Cause re: Preliminary  
Injunction; and (3) an Order Granting Expedited Discovery. This application is based on this  
Notice, the accompanying Memorandum of Points and Authorities, on the supporting  
Declarations of XimpleWare CEO Zhengyu "Jimmy" Zhang and Jack Russo, Esq., submitted  
herewith, and on the demonstration therein of the immediate and irreparable injury that will  
result to XimpleWare absent such relief, and on such other matters as may be presented to the  
Court at the hearing hereon.

COMPUTERLAW GROUP LLP

Dated: November 24, 2013

By: /s/ Jack Russo  
Jack Russo  
Christopher Sargent  
Ansel Halliburton

Attorneys for Plaintiff  
XIMPLEWARE CORP.